

Appln No. 09/654,376
Amdt date July 20, 2005
Reply to Office action of May 4, 2005

REMARKS/ARGUMENTS

Claims 1, 4-9, 11-17, 19-43, 46-51, 53-59, 61-69, 71-77, and 79-88 are pending. Claims 1, 5, 7-9, 11, 12, 17, 19, 20, 43, 49-51, 53, 54, 59, 61, 62, 69, and 77 are amended, and claims 2, 10, 18, 44, 52, 60, 70, and 78 are canceled.

Claims 1, 5-9, 11, 12, 14-16, 17, 19, 20, 22-24, 43, 47-51, 53, 54, 56-59, 61, 62, 64, 65, and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yato (US 4,282,406) in view of Chengalvarayan (US 6,055,499). Claims 4, 13, 21, 46, 55, and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yato in view of Chengalvarayan and further in view of Soumagne (US 4,331,837). Claims 25, 26 and 67-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yato in view of Chengalvarayan in further view of Barghouti et al. (US 6,535,521 B1). Claims 38, 73, and 80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hardwick et al. in view of Barghouti et al. and Soumagne. Claims 31 and 74-76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hardwick et al. in view of Barghouti et al. and further in view of Yato et al. and Soumagne. Claims 32-34, 40-42, and 82-84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hardwick et al. in view of Barghouti et al. in further view of Yato et al.

Claims 2, 10, 18, 28, 36, 44, 52, 60, 70, and 78 are rejected as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Independent claims 1, 9, 17, 43, 51, 59, 69, and 77 are amended to include the limitation of the allowable claims 2, 10, 18, 28, 36, 44, 52, 60, 70, and 78, respectively. As the Examiner accurately points out the above added limitation is not disclosed nor is it suggested in the cited references. Independent claims 1, 9, 17, 43, 51, 59, 69, and 77 are further amended to nullify the amendments of January 5, 2005, based on the search and Office action of October 5, 2004.

Since none of the cited references teach or suggest the added limitation of "vacating the voice detection for the second frame if voice is not detected in both the first and third frames," the Independent claims 1, 9, 17, 43, 51, 59, 69, and 77 are patentable over the cited references. Therefore, allowance the these claims and their respective dependent claims is respectfully requested.

Claims 27, 29, 30, 35, 37, 39, 69, 71, 72, 77, 79, 81, and 85-88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hardwick (US 5,216,747) in view of Barghouti.

The Office action accurately emphasizes that Hardwick is silent or deficient as to "using a resource manager to invoke the voice detector during the voiceband data exchange, the resource manager further terminating the voiceband data exchange and invoking the voice enhancer when the voice detector detects voice in the signal." (Office action, page 7, last paragraph to page 8, first line.).

However, the Office action states that Barghouti's disclosure of using a back end module when processing non-speech frames teaches terminating the voiceband data exchange and

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invoking the voice exchange when the voice detector detects voice in the signal, as recited by independent claims 27 and 35 and thus renders these claims obvious in view of Hardwick.

Applicants respectfully disagree. Neither Hardwick (as mentioned in the Office action, nor Barghouti teach or suggest the above limitation). Barghouti's front end module and back end module are not the same as the claimed voiceband data exchange and voice exchange. The front end module of Barghouti "analyzes the incoming speech PCM data sample stream and then sends them over link 144 to the assigned back-end module 140 (step 230). The back-end module 140, in turn, formats and converts the digital samples into intelligible encoded speech frames packets and simultaneously also generates SID frames based on noise level patterns identified from the digital samples (step 240)." (Col. 8, lines 24-31, underlining added.).

In contrast, the voice exchange of the invention, claimed by claims 27 and 35, is "capable of exchanging voice in the signal between a telephony device and a network" and the voiceband data exchange is "capable of exchanging data in the signal between a data device and the network." Therefore, Barghouti does not teach terminating the voiceband data exchange and invoking the voice exchange when the voice detector detects voice in the signal. Since none of the references Hardwick or Barghouti teach or suggest the above limitation, the combination of Hardwick/Barghouti does not teach or suggest the above limitation. Therefore, independent claims 27, 35 and their dependent claims are also patentable in view of cited references.

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In view of the foregoing amendments and remarks, it is respectfully submitted that this application is now in condition for allowance, and accordingly, reconsideration and allowance are respectfully requested.

Respectfully submitted,
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